AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in this application.

1. (Currently Amended) Polymorphic Form E of base ondansetron, ~~characterised in that~~ wherein its powder X-ray diffraction pattern presents characteristic peaks at 6.29°; 11.09°; 11.88°; 12.69°; 14.97° and a doublet at (24.96°; 25.17°) 2θ.

2. (Currently Amended) Polymorphic form according to Claim 1, ~~characterised in that~~ wherein its powder X-ray diffraction pattern presents the following peaks:

2θ(°)
6.29
7.06
10.50
11.09
11.88
12.69
13.10
13.57
14.97
16.33
16.93
17.40
18.58
19.28
20.71
21.08
21.28
22.10
24.12
24.71
24.96
25.17

25.73
26.65
26.93
28.18
28.53
29.34
29.76

3. (Currently Amended) Polymorphic form according to Claim 2, ~~characterised in that~~ wherein it presents a powder X-ray diffraction pattern in accordance with Figure 1.

4. (Currently Amended) Process for preparing the polymorphic form according to Claim 1, ~~characterised in that it comprises~~ comprising the steps of:

a) dissolution of the ondansetron hydrochloride in a mixture of a C_1-C_3 alcohol and water;

b) precipitation of the base ondansetron by basification of the solution;

c) filtering the solid and washing with water;

d) suspension of the water-moistened solid obtained in stage c) with methanol at reflux with stirring; ~~and~~

e) recovery of the crystalline form; and

f) filtering and drying the product thus obtained.

5. (Currently Amended) Process according to claim 4, ~~characterised in that~~ wherein said alcohol is methanol.

6. (Currently Amended) Process according to Claim 4, ~~characterised in that~~ wherein the basification of stage b) is carried out by addition of an aqueous ammonia solution.

7. (Original) Pharmaceutical composition that includes a polymorphic form according to claim 1, in a therapeutically active amount and with a suitable amount of at least one excipient.

8. (Original) A polymorphic form according to claim 1 for use for manufacturing a drug for the treatment and prophylaxis of post-operative nausea and vomiting and for the control of nausea and vomiting induced by radiotherapy and cytotoxic chemotherapy.